

CONTACT: (media) Kären Thompson, (312) 353-8547
(technical) Jamie Paulin, (312) 886-1771

FOR IMMEDIATE RELEASE

No. [Release No.]

EPA CITES ROLLPRINT PACKAGING PRODUCTS, INC. FOR HAZARDOUS WASTE VIOLATIONS; \$27,665 FINE PROPOSED

CHICAGO (Sep. 28, 2004) — U.S. Environmental Protection Agency Region 5 recently filed a complaint against Rollprint Packaging Products, Inc. for alleged violations of the Resource Conservation and Recovery Act. A \$27,665 fine is proposed.

Rollprint Packaging Products, Inc. was cited for improper storage of hazardous waste. The company can request a settlement conference or a hearing with EPA within 30 days of receiving the complaint.

About Rollprint Packaging Products, Inc.

Rollprint Packaging Products, Inc. is located at 320 South Stewart Ave., Addison, Illinois. The facility manufactures flexible and semi-rigid packaging materials for the medical, food and industrial markets.

About EPA

Founded in 1970, EPA is responsible for protecting the environment and human health. The Agency enforces air, water and land laws and ensures that designated health standards are met. EPA Region 5 includes six Great Lakes states: Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin.

#

A.1.5

**Controlled Correspondence For
REGION 5**

Congressional

CONTROL NO : R5-0400151-C

ORIG. DUE DATE: 10/01/2004

FILE CODE: CORR-132 CONGRESSIONAL CORRESPONDENCE

STATUS: PENDING

CORRES. DATE: 09/17/2004

RECEIVED DATE: 09/17/2004

ASSIGNED DATE: 09/17/2004

CLOSED DATE:

FROM: HON. HENRY HYDE

ORG: UNITED STATES HOUSE OF REPRESENTATIVES

SALUTATION: MARK E. PEDERSON

CONSTITUENT: HON. HENRY HYDE

TO: HOFFMAN/PHILIP

TO ORG: CONGRESSIONAL LIAISON STAFF

SUBJECT: NEGOTIATIONS OF A SETTLEMENT WITH ROLLPRINT PACKAGING
PRODUCTS AND THE USEPA FOR ALLEGED VIOLATIONS OF THE RESOURCE
CONSERVATION AND RECOVERY ACT.

ASSIGNED: Waste, Pesticides, and Toxics Division

COPIES OF INCOMING PROVIDED TO: AL W/CONTROL SLIP, MARY CANAVAN, ORA
W/CONTROL SLIP, ORA READING FILE

SIGNATURE: REGIONAL ADMINISTRATOR

R5 COMMENTS:

R5 INSTRUCTIONS:

	Assigned	Date Assigned	Code/Status	Date Completed by Assignee	Date Returned to R5 :
Lead	WPT	09/17/2004	ACTION	-	-

HENRY J. HYDE

6TH DISTRICT, ILLINOIS

COMMITTEES:

CHAIRMAN

NATIONAL RELATIONS

JUDICIARY

50 EAST OAK STREET
SUITE 200
ADDISON, IL 60101-2800
(630) 832-5950**Congress of the United States****House of Representatives**

Washington, DC 20515-1306

September 17, 2004

Mr. Bahrat Mathur
Acting Regional Administrator
Environmental Protection Agency
77 W. Jackson
Chicago, Illinois 60604

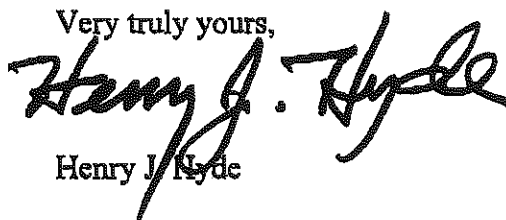
VIA FACSIMILE:312-353-1120

Dear Mr. Mathur:

Attached is a letter from Rollprint Packaging Products, Inc., a company in my district. Rollprint has asked for my assistance in obtaining a resolution with your agency.

Any assistance you can provide Rollprint in this matter would be greatly appreciated. I look forward to your response.

Very truly yours,



Henry J. Hyde

HJH:kc

Attachment

Cc: Mark E. Pederson, Rollprint



SEP 14 2004

September 13, 2004

Honorable Henry Hyde
Addison District Office
50 East Oak Street, Suite 2000
Addison, IL 60102

Dear Mr. Hyde,

Rollprint Packaging Products, Inc. is in the process of negotiating a settlement with US EPA for alleged violations of the Resource Conservation and Recovery Act. The alleged violations were discovered during an inspection in October of 2002, with a follow-up inspection in July of 2003. In between the two visits, there was no communication or concerns from EPA with regards to the operations at Rollprint. In fact, there were a couple of issues raised by Rollprint regarding compliance interpretations. Yet, US EPA failed to respond to any of these between the two inspections.

After the second inspection, EPA raised only one compliance concern in the closing meeting. Approximately seven months later, Rollprint received a Section 3007 information request, requesting information on certain compliance issues within our facility. Rollprint responded within a timely fashion, hoping this would alleviate any issues or concerns EPA had with Rollprint's compliance program.

On July 9, 2004, Rollprint Packaging Products received a Pre-Filing Notice and Opportunity to Confer from US EPA that they were preparing to file an administrative complaint for civil penalties. We have been in negotiations with them since August 11, yet do not feel that they are doing so in good faith. During these negotiations, Rollprint has brought to US EPA's attention several factual errors and misrepresentations of Rollprint's operations in the first inspection report. They have shown little interest in considering these arguments and only focus on how much money they feel they can penalize Rollprint because as they have said, "We think we can do this."

In addition, US EPA is interested in resolving this matter quickly. One may suppose it has something to due with the fact that the fiscal year is coming to a close. Rollprint feels that US EPA has taken as long as they like to issue the enforcement complaint, but is giving Rollprint little time in responding to the allegations, or accepting Rollprint's arguments for a lower penalty.

Hon. Henry Hyde
September 13, 2004
Page 2

Rollprint is a small privately held business that would prefer to not use resources for outside council to negotiate this settlement, or go to trial, if possible. However, we feel the case against Rollprint does not warrant the size of the penalty US EPA is seeking. We have offered to implement a Supplemental Environmental Project (SEP) to offset the initial penalty, but were first denied this avenue. We asked for an explanation in writing for this denial, and then US EPA decided we could implement a SEP. The back and forth that is going on, due to US EPA's lack of good faith in the negotiating process, is wasting resources and time.

If you can help in any way to move this matter closer to resolution, it would be appreciated. Please let us know if you would like to discuss this further. I can be reached at (630) 628-1700 ext. 3322.

Sincerely,



Mark E. Pederson
Environmental, Health & Safety Manager
Rollprint Packaging Products, Inc.

The Honorable Henry J. Hyde
8th District
50 East Oak Street, Suite 200
Addison, Illinois 60101-2800

Dear Congressman Hyde:

OK
Thank you for your letter dated, September 17, 2004, expressing your concerns regarding a resolution of settlement negotiations between the United States Environmental Protection Agency (U.S. EPA) and Rollprint Packaging Products, Inc. (Rollprint), located at 320 South Stewart Avenue, Addison, Illinois. U.S. EPA would also like to reach a final settlement with Rollprint as quickly as possible.

On October 30, 2002, U.S. EPA inspector completed a compliance evaluation inspection (CEI) to determine compliance with Illinois hazardous waste management regulations and determined that Rollprint was in violation of several of these regulations. On July 14, 2003, U.S. EPA inspector conducted a site visit at Rollprint to determine if there were any changes made since the CEI, and found that Rollprint still was in violation of most of the same regulations as found on October 30, 2002, appearing to be a possible chronic violator.

On February 19, 2004, U.S. EPA sent Rollprint a request for information under Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. § 6927 and on March 9, 2004, did receive a response from Rollprint. Based on the October 30, 2002 CEI and the July 14, 2003 site visit conducted by U.S. EPA at Rollprint, along with Rollprint's response from the request for information, U.S. EPA sent a Pre-filing Notice and Opportunity to Confer letter to Rollprint on July 9, 2004, basically notifying Rollprint of their violations and offering them an opportunity to discuss the violations before U.S. EPA ^{advised} ~~formally~~ filed an administrative complaint for civil penalties due to the nature and the re-occurrence of the violations.

U.S. EPA and Rollprint met to discuss the violations on August 11, 2004 and both parties decided to negotiate a settlement. During this meeting, U.S. EPA offered to allow Rollprint to perform a Supplemental Environmental Project (SEP) in order to possibly lower the penalty amount.

~~Settlement discussions have continued since that time.~~
~~Settlement negotiations are still underway. Pursuant to EPA's~~

However, after further review of the EPA Supplemental Environmental Projects Policy, Effective May 1, 1998, and after the August 11, 2004 meeting, U.S. EPA preferred to negotiate the settlement without a SEP in order to expedite the settlement process. According to this policy, whether U.S. EPA decides to accept a proposed SEP as part of a settlement, and the amount of any penalty mitigation that may be given for a particular SEP, is purely within U.S. EPA's discretion.

~~SEP policy~~ EPA's SEP policy does provide an opportunity ~~is not~~ for ~~in certain matters~~. EPA ~~has given Rollprint an opportunity~~ is currently discussing a possible SEP with Rollprint.

Conference calls on both August 18, 2004 and August 26, 2004 occurred to discuss the settlement negotiations between U.S. EPA and Rollprint. It was during these conference calls that it was decided that Rollprint could perform a SEP in order to possibly decrease their penalty. Although SEPs can be a part of the settlement, they are not a substitution for the penalty. U.S. EPA requested a SEP proposal, on August 26, 2004, from Rollprint in order to proceed with the proper calculations of possible penalty decrease based on the cost of the SEP.

Rollprint sent a letter on September 3, 2004 offering to implement an Environmental Management System as a SEP, however did not include any costs for this implementation and maintenance of the system. According to U.S. EPA SEP policy, calculating the final penalty in a settlement which includes a SEP is a 5 step process. The final settlement penalty must equal or exceed either: a) the economic benefit of noncompliance plus 10 percent of the gravity component; or b) 25 percent of the gravity component only; whichever is greater.

U.S. EPA is currently in the process of responding to Rollprint asking for a proper proposal, which will need to include the cost of implementing their proposed SEP, as well as the cost of maintaining the system in order for U.S. EPA to properly calculate the reduced penalty.

U.S. EPA feels that it has acted in good faith in both preparing the penalty, which was based upon U.S. EPA's RCRA Civil Penalty Policy, June 2003, as well as with its enforcement response, which was based upon the U.S. EPA's Hazardous Waste Civil Enforcement Response Policy, December 2003. Rollprint has stated that they are familiar with both of these policies.

and would like, to resolve this matter quickly with an agreed settlement.
We, along with Rollprint, would like to resolve this matter quickly and with continue negotiations toward a settlement with Rollprint. *and would like to be in an agreed settlement*

interest in this issue.
Thank you for your interest in this progression of settlement negotiations between U.S. EPA and Rollprint. Please contact me if I can be of further assistance, or your staff may contact Jamie L. Paulin in U.S. EPA's Enforcement and Compliance Branch, Compliance Section 1, at (312) 886-1771.

Sincerely,

Bahrat Mathur
Acting Regional Administrator
U.S. Environmental Protection Agency
77 W. Jackson
Chicago, Illinois 60604

R-195



ILD 984 766 642

Waste, Pesticides and Toxics Division
Correspondence for Regional Administrator's Signature

Type of Document: Congressional Correspondence

Name of Document: Rollprint Congressional Response

Document # R5-0400151-C Originator/Phone: 6-1771

NOTE: Originator and first level supervisor are responsible for assuring that documents are in plain language. All other reviewers should consider plain language in their reviews. See the plain language checklist on the reverse side of this sheet.

Date	Name	Initials and Date
9/29/04	Author <u>Jamie Paulin</u>	<u>JAP</u> 9/29/04
9/29/04	Section Chief <u>Lynn M. Jones</u>	<u>Lmj</u> 9/29/04
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	WPTD Director	<u>NJ</u> 9/30/04
	Other <u>ARC Mike Berman</u>	<u>See email</u> 9/29/04
	State Coordinator	
	Other	
	Congressional/Intergovernmental	
	Other	
	Bharat Mathur Deputy Regional Administrator	
	Thomas V. Skinner Regional Administrator	

9/30/04
SM

Return for Mailing _____ Correction Required _____
(attach official file copy/return w/originator's Copy)

REMARKS/COMMENTS

Plain Language Checklist

Write in the active voice. When you use the active voice, the subject of the sentence acts: "EPA issued the permit to X." When you use the passive voice, the subject of the sentence is acted upon: "The permit was issued to X." If you can ask "By whom?" or "By what?" after the verb, the verb is in the passive voice. A passive verb has a form of the verb "to be" (am, is, are, was, were, be, being, been) plus a main verb usually ending in "en" or "ed."

Use action verbs. Use base verbs instead of nouns derived from verbs.

		Don't Say	Say
Don't Say	Say	is applicable to	applies to
make payment	pay	give consideration to	consider
take action	act		

Use personal pronouns to represent the reader and to refer to EPA. For example, "The United States Environmental Protection Agency is issuing an order to X (you). We are requiring you..."

Write short sentences to aid comprehension. Put one main thought in most sentences. Divide a long sentence into two or three short sentences. Remove all unnecessary words. If there are several conditions or subordinate provisions, make a list.

Omit surplus words and redundancies. Question the need for each and every word.

		Don't Say	Say
Redundancies		for the period of	for
true and correct		in order to	to
cease and desist		in the event that	if
order and direct			

Place words carefully to reduce ambiguity. Keep subjects and objects close to verbs. Put modifying phrases and words such as "only" and "always" next to the word they modify. She *only* said that he hired her. She said that *only* he hired her. She said that he hired *only* her.

Be consistent. Don't use different words to refer to the same thing (car, vehicle, automobile).

Limit your use of abbreviations, acronyms, and capital letters. Use abbreviations and acronyms to refer only to terms that are central to the document. Do not abbreviate terms that you use only a few times. Use capital letters to begin sentences and for proper names and for headings. You should reconsider all other uses.

Visit the government's plain language wet site at www.plainlanguage.gov.